

## **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL**

**January 24, 2011**

The **Regular Monthly Meeting of Berkeley County Council** was held on Monday, **January 24, 2011**, at 8:19 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

PRESENT: Mr. Daniel W. Davis, County Supervisor, Chairman; Mr. Steve C. Davis, Council Member District No. 8, Vice Chairman; Mr. Phillip Farley, Council Member District No. 1; Mr. Timothy J. Callanan, Council Member District No. 2; Mr. Robert O. Call, Jr., Council Member District No. 3; Mrs. Cathy S. Davis, Council Member District No. 4; Mr. Dennis L. Fish, Council Member District No. 5; Mr. Jack H. Schurlnknight, Council Member District No. 6; Mr. Caldwell Pinckney, Jr., Council Member District No. 7; Ms. Nicole Scott Ewing, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

### **CALL TO ORDER**

Chairman Daniel Davis called the meeting to order.

### **APPROVAL OF MINUTES**

Chairman Daniel Davis asked for approval of minutes from a Special Meeting of Council held December 6, 2010; Public Hearings on JEDA Application for the Cane Bay Assisted Living and Bill Number 10-43, and a Regular Meeting of Council held December 13, 2010.

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney to **approve** the minutes as presented. The motion passed by unanimous voice vote of Council.

### **PUBLIC DISCUSSION**

Public Discussion commenced at 8:20 p.m.

Chairman Daniel Davis: "Also, at this time, as we do each meeting, we have an opportunity to address Council on agenda items, and this is agenda items only. We ask that you come to the podium, state your name and address. We ask that you limit your comments to three (3) minutes, if you would, and at this time, I have Nancy Corbin signed up?"

Ms. Nancy Corbin: “Nancy Corbin, 921 Apple Core Lane, Ridgeville. A couple of items on the agenda tonight, one the Finance Committee, the financial statement. I’m assuming that since we had such a nice financial statement you all will now honor the promise made by Council prior to the vote on referendum for the one (1) cent sales tax when the Council promised that that would be 100 percent for property tax relief, and it is only being used at 71 percent. So, I’m sure now that you have made these financial strides, you will give the citizens that you represent a break. The other item is the Accommodation Tax Advisory Committee. You know, unless the freight train gets derailed, I’m sure the same committee that didn’t meet in 2009 and only met in 2010, because of controversy will be reappointed. I think that’s a travesty. Hundreds of thousands of dollars a year are supposed to be advised on by this committee, and I think they have not done that, and I think that someone needs to be looking at that, someone who’s interested in how that money is spent and keeps an eye on it. And, the last item is, I think tonight’s meeting shows that the five-member committees is a joke. Thank you.”

Chairman Daniel Davis: “Thank you, Ms. Corbin, but I – in the, in the future, because there, there obviously is some misunderstanding. I know you’re a regular attendee at County Council Meetings, so I’m not really sure how that – but, these are supposed to be items on our County Council agenda. So, I didn’t want to interrupt you, I was gonna let you do it, but you know, if you would remember that they are for the full Council Meeting. Is there anyone else that wishes to address Council on agenda items for the full Council?”

There were no other speakers. Public Discussion concluded at 8:23 p.m.

## **EXECUTIVE SESSION**

Chairman Daniel Davis: “Ok; we do not need a Executive Session. We had that earlier.”

## **CHAIRMAN OF COUNTY COUNCIL**

### **THIRD READING:**

**“BILL NO. 10-44, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO A RECLASSIFICATION OF APPROVED USES FOR TMS #088-00-00-024.”**

*(Michael Hernann for Sheldon Lewis)*

It was moved by Council Member Schurlknight and seconded by Council Member Steve Davis to **approve Bill No. 10-44 for Third Reading.** The motion passed by unanimous voice vote of Council. *(A copy of Ordinance No. 11-01-01 is attached to these minutes.)*

*Berkeley County Council Rules allow all bills to be given Second Reading by one motion as a collective group. Any member may object to a particular bill, and it shall be separated from the collective group and handled by a separate motion.*

**SECOND READING:**

There were no bills for Second Reading.

*Bills for First Reading are not discussed or voted upon. The bills are read into the record by title only and, thereafter, sent to the proper Committee for further consideration.*

**FIRST READING:**

There were no bills for First Reading.

**RESOLUTIONS:**

**“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS APPROPRIATED IN THE 2010-2011 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”**

It was moved by Council Member Steve Davis and seconded by Council Member Schurlknight to **approve** the **resolution** providing for a transfer of funds in the 2010-2011 Budget for Berkeley County.

Chairman Daniel Davis: “Motion and second, any discussion?”

Council Member Fish: “Mr. Chairman, what – I don’t have a list of mine of what that transfer is.”

Chairman Daniel Davis: “Yeah.”

Ms. Ewing: “It’s for the EMS grant that was discussed previously on Committee and the Airport Rejuvenation Project. Both of those items will be reported out at Committee level at the end of the agenda.”

Chairman Daniel Davis: “We have a motion and second, any other questions or discussion?”

The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 11-01 is attached to these minutes.)

**“RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT REGARDING TRANSFER OF FEE-IN-LIEU OF TAX ARRANGEMENT BETWEEN BERKELEY**

COUNTY, SOUTH CAROLINA, **RG-MWV, LLC (F/K/A ROCK-BERKELEY, LLC), RE-MWV NEPTUNE, LLC, AND TBC RETAIL GROUP, INC.**”

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney to **approve the resolution** authorizing execution an agreement regarding transfer of a fee-in-lieu of tax arrangement between Berkeley County, RG-MWV, LLC, RE-MWV Neptune, LLC, and TBC Retail Group, Inc. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 11-02 is attached to these minutes.)

**“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS APPROPRIATED IN THE 2010-2011 BUDGET FOR BERKELEY COUNTY WATER AND SANITATION FOR PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”**

Chairman Daniel Davis: “This was the item earlier about the St. Stephen, I think...”

It was moved by Council Member Steve Davis and seconded by Council Member Pinckney to **approve the resolution** providing for a transfer of funds in the 2010-2011 Budget for Berkeley County Water and Sanitation. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. 11-03 is attached to these minutes.)

## **REPORTS FROM STANDING COMMITTEES:**

### **Committee on Finance**

**Council Member, Mr. Jack H. Schurlknight, Chairman**

Chairman Schurlknight: “Mr. Chairman, the Committee on Finance met earlier this night.”

#### **a. Berkeley County Audited Financial Statement for 2010**

Chairman Schurlknight: “Mr. Larry Finney, CPA with Green, Finney and Horton, LLP, provided the Committee with the Audited Financial Statement for Year Ending June 30, 2010. No action was required.”

Chairman Schurlknight: “Also, Mr. Chairman, the **Transparency Committee** will schedule a meeting and report back to Council in the February Meeting of Finance.

#### **b. Application for Google Grant/Cypress Gardens**

There was no report given on this agenda item.

*(That concluded Chairman Schurlknight’s report.)*

### **Committee on Land Use**

**Council Member, Mr. Phillip Farley, Chairman**

Chairman Farley: “The Committee on Land Use met earlier this evening, and all matters before the Committee have been addressed on this night’s agenda.”

Chairman Farley: “Also, I would like to say that I will be calling a **GASB 45 Meeting** within the next month. So, just to let everybody know, a little heads up on it.”

*(That concluded Chairman Farley’s report.)*

**Committee on Public Works and Purchasing  
Council Member, Mr. Caldwell Pinckney, Jr., Chairman**

Chairman Pinckney: “Mr. Chairman, the Public Works and Purchasing Committee met earlier this night.”

**a. Bushy Park Boat Landing – Proposed Lease**

Chairman Pinckney: “On recommendation of the Committee, I move to **authorize** the Supervisor to negotiate and enter into a lease with the Charleston Water System for the Bushy Park Boat Landing site and facilities. SCDNR is willing to provide technical assistance and assist the County in obtaining funding for major repairs or improvements.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

**b. Proposed Local Street Resurfacing (Transportation Sales Tax Program)**

Chairman Pinckney: “Also, Mr. Chairman, on recommendation of the Committee, I move to **approve** the recommendation, I’m sorry, recommended roads for local street resurfacing. The recommended projects are estimated to cost approximately four (4) million to five (5) million.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

**c. St. Stephen Gravity Sewer Rehabilitation (CDBG Construction Contract)**

Chairman Pinckney: “Also, on recommendation of the Committee, I move to **award** the construction contract for the St. Stephen Gravity Sewer Rehabilitation CDBG Construction Contract to Southeast Pipe Survey, Incorporated, in the amount of \$355,759.50, contingent upon SCDOC approval of the project, to the amendment and approval to award the contract.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

*(That concluded Chairman Pinckney’s report.)*

**Committee on Justice and Public Safety**  
**Council Member, Steve C. Davis, Chairman**

Chairman Steve Davis: “Mr. Chairman, the Committee on Justice and Public Safety met earlier this night.”

**a. EMS Grant Approval (matching funds to come from current budget)**

Chairman Steve Davis: “On recommendation of the Committee, I move to **approve** the EMS Equipment Grant in the amount of \$14,431.28. A \$839.92 is required match to come from the current EMS Budget for a total amount \$15,271.20.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

**b. EMS Mutual Aid Agreement**

Chairman Steve Davis: “On recommendation of the Committee, I move to **approve** an EMS Mutual Aid Agreement between Berkeley County and Dorchester County when resources permit.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

**c. Transfer of Rural Fire Department Property Boundaries**  
**[Goose Creek Rural to Pimlico Rural]**

Chairman Steve Davis: “And the Rural Fire Department issue has been resolved, as presented by Mr. Wrenn.”

*(That concluded Chairman Steve Davis’ report.)*

**Committee on Water and Sanitation**  
**Council Member, Mr. Robert O. Call, Jr., Chairman**

Chairman Call: “Mr. Chairman, the Committee on Water and Sanitation met earlier this night. All matters before the Committee have been addressed earlier on this night’s agenda.”

*(That concluded Chairman Call’s report.)*

**Committee on Planning and Development**  
**Council Member, Mrs. Cathy S. Davis, Chairman**

Chairman Cathy Davis: “No report, Mr. Chairman.”

*(That concluded Chairman Cathy Davis’ report.)*

**Committee on Community Services**  
**Council Member, Mr. Timothy J. Callanan, Chairman**

Chairman Callanan: “The Committee on Community Services met earlier this night.”

**a. Airport Pavement Rejuvenation**

Chairman Callanan: “On recommendation of the Committee, I move to **approve** the South Carolina Division of Aeronautics Grant for rejuvenation and restriping of the aircraft parking ramp and the hanger area pavement. The project cost, with overrun is estimated to be \$34,100.00, with \$8,525.00 or 25 percent match to come from Economic Development.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

**b. Letter of Intent with Charleston Water System**

Chairman Callanan: “On recommendation of the Committee, I move to **authorize** the County Supervisor to provide a Letter of Intent to purchase property owned by Charleston Water System for the proposed Hanahan Branch Library site.” *(No second required.)*

The motion passed by unanimous voice vote of Council.

**c. Expanding Transparency**

This item was addressed under the Finance Committee report.

*(That concluded Chairman Callanan’s report.)*

**Committee on Human Services**  
**Council Member, Mr. Dennis L. Fish, Chairman**

Chairman Fish: “No report, Mr. Chairman.”

*(That concluded Chairman Fish’s report.)*

**NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.**

Chairman Daniel Davis: “At this time, we have an opportunity for nominations for memberships...”

Council Member Steve Davis: “Mr. Chairman?”

Chairman Daniel Davis: “Mr. Davis.”

Council Member Steve Davis: "I had the esteem Clerk to inquire as to members on specific boards, all boards, getting contact to see if they wanted to be re-appointed. I move at this time that all those individuals who request re-appoint to the Accommodations Tax Advisory Committee be re-appointed."

Council Member Schurlknight: "Second."

Chairman Daniel Davis: "We have a motion and second, any discussion?"

Council Member Fish: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Fish."

Council Member Fish: "I'd like to make two appointments to that board, as well."

Chairman Daniel Davis: "Oh..."

Council Member Fish: "Two nominations to that board. There's one, Shefal..."

Chairman Daniel Davis: "We're gonna have to vote on this first, because we won't have – now, we have one, as I under..."

Council Member Fish: "One member is not on there."

Chairman Daniel Davis: "Right; I see that we have one position on – you're talking about Tax Accommodations?"

Council Member Fish: "Yes, that's what he's talking about, right?"

Chairman Daniel Davis: "No, he's, he's made a motion that all, everyone that has asked to be re-appointed..."

Council Member Steve Davis: "Be re-appointed."

Chairman Daniel Davis: "...be re-appointed, so we get that out of the way."

Council Member Callanan: "Of every committee?"

Council Member Fish: [inaudible due to more than one speaker]

Council Member Steve Davis: "On every committee; that's correct."

Council Member Fish: "Mr. Chairman, if we accept that, then any nominations I would make to any of these that you've already accepted, then would become no point. I would make a motion that we don't do that; we do them one at a time."



Chairman Daniel Davis: "Well, we have a motion and second. We need to vote on that first."

Council Member Steve Davis: "That's correct."

Council Member Callanan: "Mr. Chairman? A point of order with regard to rules?"

Chairman Daniel Davis: "Ok; what's the..."

Council Member Callanan: "Certain one of these, certain of these positions are appointed according to the rules by the district where the Council Member serves. Those appointments are made at the leisure of the Council Member in that district. I would recommend that you – if you're going to do this that you do it for only appointments that are at-large or not specific, and not take the opportunity from a Council Member to appoint a member to a board from his own district."

Chairman Daniel Davis: "If you would, if you would then, we'll give an opportunity for each Councilman who would like to withdraw the name from their district, and we can do it that way, and I don't..."

Council Member Callanan: "That's fair."

Chairman Daniel Davis: "...have a problem with that."

Council Member Fish: "Yeah."

Chairman Daniel Davis: "Ok; on the – well..."

Council Member Steve Davis: "Make sure there's no..."

Chairman Daniel Davis: "Raise your hand, if you wish to withdraw the name of a member from your district, and we'll – I'll scratch them off the list."

Council Member Steve Davis: "But, Mr. Chairman, just make sure that there's no misunderstanding. This include all boards where individuals submitted back a request that they wanted to be re..."

Chairman Daniel Davis: "That's what I understood your motion..."

Council Member Steve Davis: "That's right; that's what it is."

Chairman Daniel Davis: "...to be."

Council Member Schurlknight: "Right."

Council Member Steve Davis: "Yes."

Council Member Schurlknight: "Yep."

Chairman Daniel Davis: "Ok; is there anyone who wishes to withdraw the name of someone who serves at your pleasure in your district? Ok; I don't think we have any. Any other discussion?"

The motion passed by majority voice vote of Council. Council Members Call, Steve Davis, Pinckney and Schurlknight voted, "Aye." Council Members Callanan, Cathy Davis, Farley and Fish voted, "Nay." With the vote being a tie vote (4/4), Chairman Daniel Davis voted, "Aye."

Council Member Fish: "Of course."

Chairman Daniel Davis: "Ok; now, we have – we do have one position on the Accommodations Tax Committee, Ms. Shefali Desai."

Council Member Fish: "Mr. Chairman?"

Chairman Daniel Davis: "Yes, Sir."

Council Member Fish: "I would like to nominate Ms. Shefali Desai, as well as Mr. Arnold Scharnitzky to that committee. Two names: Shefali Desai, and also Arnold Scharnitzky, who's the large member, who lives in the County."

Chairman Daniel Davis: "Well, at this point, there's only one position available."

Council Member Fish: "It's the point..."

Chairman Daniel Davis: "Which one?"

Council Member Fish: "...I tried to make awhile ago, Mr. Chairman. It's exactly the point. We objected to that. By accepting that, we don't have a choice to put somebody on those committees."

Council Member Steve Davis: "You had [inaudible due to more than one speaker]... have to vote to support it. You had a choice."

Council Member Schurlknight: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Fish, you were trying to make a motion. Who – which one would you..."

Council Member Fish: "I'd like to re-appoint Ms. Shefali Desai."

Council Member Schurlknight: “Ms. Desai is already on the committee. She’s on it.”

Council Member Steve Davis: “And she didn’t even submit a request that she wanted to be re-appointed.”

Council Member Schurlknight: “Yeah; she sent a letter...”

Council Member Steve Davis: “[inaudible due to more than one speaker]... to me.”

Council Member Schurlknight: “She sent a letter to me that she wanted to be re-appointed.”

Council Member Steve Davis: “Thank you; I stand to be corrected.”

Council Member Schurlknight: “She was in that group.”

Council Member Fish: “[inaudible due to more than one speaker]... they talk to each other. I can’t believe this. And also, on the Special Purpose Fire – on the Fire District.”

Chairman Daniel Davis: “Well, I’m gonna go down the list. We have two vacancies on the, the Regional Transportation – the Rural Transportation Board...”

Ms. Barbara B. Austin, Clerk of Council: “Mr. Chairman?”

Chairman Daniel Davis: “Ms...”

Ms. Austin: “May I...”

Chairman Daniel Davis: “Yes, ma’am.”

Ms. Austin: “May I ask you to take care of the Accommodations Tax appointment?”

Chairman Daniel Davis: “I think we did. Mr. Schurlknight said that Ms...”

Council Member Schurlknight: “Desai...”

Chairman Daniel Davis: “Desai responded that she – he has a letter...”

Council Member Schurlknight: “Yeah; I have a letter.”

Council Member Farley: “It needs to be voted on.”

Chairman Daniel Davis: “Ok. We have Mr. Alfie Shelton who requests re-appointment. We have two positions there, and I don’t think these necessarily – these do not represent districts, do they Ms. Austin? Since they’re only three people, I’m assuming they do not represent...”

Ms. Austin: [inaudible]

Council Member Cathy Davis: "Mr..."

Chairman Daniel Davis: "No, we're looking at the Link, the..."

Council Member Callanan: "They kicked me off of that."

Chairman Daniel Davis: "The Rural Transportation..."

Ms. Austin: [inaudible]

Chairman Daniel Davis: "Ok; so we have two vacancies to fill with Link or the, the, the Rural Transportation Authority. Do we have any nominations?"

Ms. Ewing: "Mr. Chairman, this is Nicole. I just wanted to point out also, it appears that Mr. Shelton's term expired July 1, 2010, so if – unless he was one of the ones that wishes, that was included in Mr. Davis' motion."

Chairman Daniel Davis: "Well, he requested re-appointment..."

Ms. Ewing: "Ok; I just wanted to..."

Chairman Daniel Davis: "...so he would have been covered."

Ms. Ewing: "...verify that, because the list indicates that his term is up."

Chairman Daniel Davis: "Alright; ok; if, if we would, you know, the Link serves only portions of the County. So, if we could be thinking about a couple of folks to serve on that committee. Now, well, that, that would be appreciated. Alright, the Charleston Area Transportation Study Committee, I serve on that, as well as Mr. Callanan. I'm willing to be re-appointed. I'd like to be re-appointed. I'm assume... [inaudible due to more than one speaker]."

Council Member Callanan: "I assumed I was kicked off that."

Chairman Daniel Davis: "No; I wasn't queried about that either, so I'm – I think that's a little different situation."

Council Member Callanan: "I believe, Mr. Call, that you all voted not to re-appoint me to that last meeting. Am I correct?"

Chairman Daniel Davis: "I don't think any of that took place. I think..."

[All voices inaudible due to more than one speaker.]

Council Member Steve Davis: "We held that issue."

Ms. Austin: "All of that was withdrawn."

Council Member Callanan: "Oh, all of it was withdrawn; ok."

Council Member Fish: "I make a motion we accept Mr. Callanan and Mr. Davis as the members of that committee."

Council Member Steve Davis: "I second that."

Chairman Daniel Davis: "Ok; and Mr. Ellis McGaughy now, Ellis is the, is a plant manager for DuPont. Ellis has been transferred. He did represent the County on the RDA, and so if anyone has a recommendation for that, we'll certainly entertain that. If not, please think of someone for next month, and I'll certainly try to come up with a recommendation."

Chairman Daniel Davis: "On the Construction Board of Adjustments and Appeals, we have a vacancy in District 1. Do we have a recommendation?"

Council Member Farley: "I don't have anyone at this moment, but I'm gonna try to find someone by next meeting."

Chairman Daniel Davis: "Ok; and then for District 4, Mr. Steven Riker."

Council Member Cathy Davis: "Yes, Mr. Chairman, I'd like to re-appoint Mr. Ricker."

Chairman Daniel Davis: "Oh, I'm sorry, Ricker, ok. He wants to be re-appointed, obviously?"

Council Member Cathy Davis: "Ok; so he would have been covered then by the earlier motion."

Chairman Daniel Davis: "Devon Forest Special Tax Advisory Commission?"

Council Member Fish: "Still looking for members."

Chairman Daniel Davis: "Still looking for members?"

Council Member Fish: "Yes, Sir."

Chairman Daniel Davis: "Ok; the Library Board, District 4?"

Council Member Cathy Davis: "No at this time."

Chairman Daniel Davis: "Ok; Mental health Board, District 4 and District 5? Well, actually, all of them. None of these have..."

Council Member Steve Davis: "Expired yet."

Chairman Daniel Davis: "So we need, we need two recommendations at large and a member from District 7, District 5 and District 4. Do we have any tonight?"

Council Member Pinckney: "Mr. Chairman? I'll get back with you on District 7."

Chairman Daniel Davis: Ok. For Pimlico..."

Council Member Callanan: "Mr. Chairman, I'd like to nominate Mr. Ernest Brown to replace Mr. Bruce Bowers."

Ms. Ewing: "Mr. Chairman, is that for the Special Tax District?"

Council Member Callanan: "Yes."

Ms. Ewing: "Thank you."

Chairman Daniel Davis: "Ok; ok, so, so there is only one position there, and so Ernest Brown is replacing Bruce Bowers."

Council Member Callanan: "Correct."

Chairman Daniel Davis: "And so, ok, there was just one nomination then, ok; Planning Commission – all that was taken care of; Santee Cooper Counties Commission."

Council Member Schurlknight: "Mr. Chairman?"

Chairman Daniel Davis: "Yes, Sir, Mr. Schurlknight."

Council Member Schurlknight: "That was already taken care of. Excuse me."

Chairman Daniel Davis: "You have that?"

Council Member Schurlknight: "Yeah."

Chairman Daniel Davis: "Could you provide, if you have letters, provide them to Ms. Austin? Special Fire Tax Commission..."

Council Member Fish: "Mr. Chairman, Mr. Chairman, I have a letter from them that Wilson Thomas will replace Walter Hilton, Dale Johnson will replace Keith Smith, and re-nominate George Parr and Mr. Gadsden."

Chairman Daniel Davis: "Alright, what was the second one? Wilson Thomas..."

Council Member Fish: “Wilson Thomas replacing Mr. Hilton, and Dale Johnson replacing Keith Smith.”

Chairman Daniel Davis: “Alright; a – ok, we have – that was that second; ok. Tax Assessment Review Board?”

Council Member Schurlknight: “Mr. Chairman?”

Chairman Daniel Davis: “We have one vacancy. Yes, Mr. Schurlknight.”

Council Member Schurlknight: “I’d like to nominate Radford Bates for that vacancy, please.”

Council Member Farley: “I’d like to confirm Mr. Eugene Williams on that also. He had requested that he would like to be re-appointed.”

Chairman Daniel Davis: “Well, he would have, he would have already been done then.”

Chairman Daniel Davis: “Ok; Zoning Appeals Board, we have all requests there to be, no, I’m sorry...”

Council Member Steve Davis: “Ms. Elesia Moore.”

Chairman Daniel Davis: “Ms. Elesia Moore requests to be removed.”

Council Member Steve Davis: “I ask for some additional time to secure someone to serve in that capacity.”

Chairman Daniel Davis: “Alright, we have nominations of myself and Tim Callanan for CHATS...”

Council Member Fish: “Mr. Chairman, what about COGS? I want to nominate Mr. Callanan...”

Chairman Daniel Davis: “I don’t know. I don’t have that on my list.”

Council Member Fish: “It’s not on my list either; I’m not sure.”

Chairman Daniel Davis: “And who – that’s currently myself and...”

Council Member Fish: “Mr. Callanan.”

Chairman Daniel Davis: “We had the confusion about that with the...”

Council Member Schurlknight: “Wasn’t Mr. Call...”

Chairman Daniel Davis: "Did we get that worked out with..."

Council Member Steve Davis: "Two minority members."

Ms. Ewing: "I contacted Mr. Mitchum at the Council of Governments, and he told me that he would have to pull the by-laws, and take a look at them, and that he was going to forward them to me. As of today, I have not received them, but I will follow back up with him tomorrow to make sure that we get that and hopefully, provide at least the by-laws to you at the Committee Meetings in February. And then, that way, you guys will have time to look at that before the February Council Meeting, if that's ok with everybody."

Chairman Daniel Davis: "Ok."

Council Member Callanan: "So, where do we stand on that?"

Chairman Daniel Davis: "Well, I think Council Rules are we serve until..."

Council Member Callanan: "Replaced?"

Chairman Daniel Davis: "...until replaced, so you and I are still good with CHATS and COG."

Council Member Callanan: "Ok."

Chairman Daniel Davis: "Ok, so – and then, we have – the next one would be Ernest Brown to replace Bruce Bowers on Pimlico; we have Wilson Thomas to replace Walter Hilton on the Special Fire Tax District Advisory Commission, and Dale Johnson to replace Keith Smith; Radford Bates to fill the expired, the vacant, vacancy on Tax Assessment Board; and that's it. So, we have motions on all those. Do we have a second?"

Council Member Schurlknight: "So move."

Council Member Call: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Call."

Council Member Call: "Did we, did we have the same question about COG that we had about the Charleston Area Transportation Study?"

Chairman Daniel Davis: "No, Sir; there's some..."

Council Member Call: "About minorities?"

Chairman Daniel Davis: "The two appointments to CHATS are straight forward. We have two positions there, but we actually have four people serving on the COG Board, and have



of those need to be made up of minority members, and we don't know what, how that works. And so, that's what Nicole was talking about. We need clarification."

Council Member Call: "Does that request apply to COG, as well?"

Chairman Daniel Davis: "That is the COG."

Council Member Call: "Oh, we're not talking about the Charleston Area Transportation Study?"

Chairman Daniel Davis: "No, it does not apply to CHATS."

Council Member Call: "Ok; thank you."

Chairman Daniel Davis: "Any other questions?"

Ms. Austin: "Mr. Chairman?"

Chairman Daniel Davis: "Yes, ma'am."

Ms. Austin: "May I remind you that on the Mental Health Board as you are seeking persons to fill those positions that one must be an MD (medical doctor)."

Chairman Daniel Davis: "Alright; well, since all of them are vacancies, we have a one-in-five shot of being able to find an MD to serve on that. So, if you could work on that."

The motion passed by unanimous voice vote of Council.

Council Member Callanan: "Mr. Chairman?"

Chairman Daniel Davis: "Mr. Callanan."

Council Member Callanan: "This is regarding the issue that came up earlier in a meeting. Without objection, I'd like to request a change of the rules, so that all Members of Council who are not appointed to a Committee sit ex-officio."

Chairman Daniel Davis: "Ok, we have a motion."

Council Member Call: "Mr. Chairman?"

Chairman Daniel Davis: "Wait, wait, can we get a..."

Council Member Call: "I'm sorry."

Chairman Daniel Davis: "...get a second on it first?"

Council Member Schurlknight: "Second."

Chairman Daniel Davis: "We have a motion and second."

Council Member Call: "I'm sorry, that was my intent when I made that motion in our Reorganization Meeting. And, I haven't seen the rules or the minutes of that meeting, but it was certainly my intent that all Members that were not on a Committee were ex-officio, and that they could participate in every way, except vote, so I don't think, I mean, I don't have any objection to Mr. Callanan's motion, because that is what I intended it to be. Hopefully, we can go back in the minutes. It may already be that way."

Chairman Daniel Davis: "Alright, well, even if we approve it tonight, it doesn't matter if they're in there."

Ms. Ewing: "Right."

Chairman Daniel Davis: "Any other discussion?"

The motion passed by majority voice vote of Council. Council Member Fish voted, "Nay."

Chairman Daniel Davis: "Did you say, 'Nay'?"

Council Member Fish: "Nay."

Chairman Daniel Davis: "Oh, you did, ok. I thought Mr. Callanan did. That was confusing me, if you did."

Council Member Callanan: "Well, it's a simple majority, so."

Chairman Daniel Davis: "I thought, for the record, that you (Council Member Callanan) had voted, 'Nay'."

Council Member Callanan: "Oh, no; no, ok."

Chairman Daniel Davis: "I was just trying to clarify the record, not trying to create anything."

**CORRESPONDENCE** – none

**UNFINISHED BUSINESS** – none

**NEW BUSINESS** – none

**ANNOUNCEMENTS**

Chairman Daniel Davis: “Just an announcement that the February 2011 Regular Meeting of this Council will be held on Monday, February 28<sup>th</sup>, immediately following the Public Hearings and any scheduled Committee Meetings of that evening.”

**ADJOURNMENT**

Chairman Daniel Davis: “At this point, I will entertain a motion that we adjourn.”

It was moved by Council Member Schurlknight and seconded by Council Member Pinckney to adjourn the Regular Meeting of Council. The motion passed by unanimous voice vote of Council.

Meeting adjourned at 8:47 p.m., for the execution of documents by Council.

**PUBLIC DISCUSSION**

Public Discussion commenced at 8:57 p.m.

Chairman Daniel Davis: “Kenny Drawdy?”

Mr. Kenny Drawdy was not present.

Public Discussion concluded at 8:58 p.m.

S/Barbara B. Austin, CCC  
Clerk of Council

February 28, 2011  
Date Approved

## **ADDENDUM**

**THE MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** is scheduled to be held on **MONDAY January 24, 2011**, following Public Hearings and the meetings of any scheduled Committees at **6:00 p.m.**, in the **ASSEMBLY ROOM, BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCKS CORNER, S. C.**

### **ADD:**

### **REPORTS FROM STANDING COMMITTEES:**

7. **Committee on Community Services.**  
**Council Member, Mr. Timothy J. Callanan, Chairman.**
  - c. Expanding transparency.

January 21, 2011  
S/Barbara B. Austin, CCC  
Clerk of County Council

## **ADDENDUM**

**THE MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** is scheduled to be held on **MONDAY January 24, 2011**, following Public Hearings and the meetings of any scheduled Committees at **6:00 p.m.**, in the **ASSEMBLY ROOM, BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCKS CORNER, S. C.**

### **ADD:**

#### **RESOLUTIONS:**

**3. RESOLUTION** providing for the **Transfer of Funds** appropriated in the **2010-2011 Budget for Berkeley County Water and Sanitation** for purposes other than as specified in said budget.

January 20, 2011  
S/Barbara B Austin, CCC  
Clerk of County Council

**THE MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** is scheduled to be held on **MONDAY January 24, 2011**, following Public Hearings and the meetings of any scheduled Committees at **6:00 p.m.**, in the **ASSEMBLY ROOM, BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCK'S CORNER, S. C.**

## **CALL TO ORDER**

## **APPROVAL OF MINUTES:**

<b>Special Meeting of Council</b>	<b>December 6, 2010</b>
<b>Public Hearing: JEDA (Cane Bay Assisted Living)</b>	<b>December 13, 2010</b>
<b>Public Hearing: Bill Numbered: 10-43</b>	<b>December 13, 2010</b>
<b>Regular Council Meeting</b>	<b>December 13, 2010</b>

**PUBLIC DISCUSSION** - Requests to be heard must be made prior to Call to Order and comments must be limited to Agenda items only.

***COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES PER SPEAKER. (A TOTAL OF 30 MINUTES WILL BE ALLOTTED FOR THIS PUBLIC DISCUSSION PERIOD.)***

**EXECUTIVE SESSION** to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the County; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

## **CHAIRMAN OF COUNTY COUNCIL**

## **THIRD READING:**

**1. Bill No. 10-44**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Michael Hernann** for Sheldon Lewis, 2617 North Highway 17, Bonneau, a portion of **TMS #088-00-00-024** (1.0 +/- acres), **from F-1, Agricultural District to GC, General Commercial District**. Council District No. 6.  
[Recommended by Committee on Land Use]

## **RESOLUTIONS:**

**1. RESOLUTION** providing for the **Transfer of Funds** in the **2010-2011 Berkeley County Budget** for County purposes other than as specified in said budget.

[Recommended by Committee on Finance]

**2. RESOLUTION** authorizing execution of an agreement regarding Transfer of Fee-In-Lieu-of-Tax arrangement between Berkeley County, South Carolina, **RG-MWV LLC (F/K/A Rock-Berkeley LLC), RG-MWV NEPTUNE LLC, and TBC Retail Group, Inc.**

[Recommended by Committee on Finance]

**REPORTS FROM STANDING COMMITTEES:**

- 1. Committee on Finance.**  
**Council Member, Mr. Jack H. Schurlknight, Chairman.**
  - a. Berkeley County Audited Financial Statement for 2010
  - b. Application for Google Grant/Cypress Gardens.
- 2. Committee on Land Use.**  
**Council Member, Mr. Phillip Farley, Chairman.**
- 3. Committee on Public Works and Purchasing.**  
**Council Member, Mr. Caldwell Pinckney, Jr., Chairman.**
  - a. Bush Park Boat Landing – Proposed Lease.
  - b. Proposed Local Street Resurfacing – (Transportation Sales Tax Program.)
  - c. St. Stephen Gravity Sewer Rehabilitation (CDBG Construction Contract.)
- 4. Committee on Justice and Public Safety.**  
**Council Member, Mr. Steve C. Davis, Chairman.**
  - a. EMS Grant approval. (Matching funds to come from current budget).
  - b. EMS Mutual Aid Agreement.
  - c. Transfer of Rural Fire Dept. property boundaries from Goose Creek Rural to Pimlico Rural.
- 5. Committee on Water and Sanitation.**  
**Council Member, Mr. Robert O. Call, Jr., Chairman.**
- 6. Committee on Planning and Development.**  
**Council Member, Mrs. Cathy S. Davis, Chairman.**
- 7. Committee on Community Services.**  
**Council Member, Mr. Timothy J. Callanan, Chairman.**
  - a. Airport Pavement Rejuvenation.
  - b. Letter of Intent with Charleston Water System.
- 8. Committee on Human Services.**

**Council Member, Mr. Dennis Fish, Chairman.**

**NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.**

ACCOMMODATIONS TAX ADVISORY COMMITTEE  
AERONAUTICS COMMISSION  
BCD RURAL TRANSPORTATION MANAGEMENT ASSOCIATION  
CHARLESTON AREA TRANSPORTATION STUDY  
CHARLESTON REGIONAL DEVELOPMENT ALLIANCE  
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS  
DEVON FOREST  
LIBRARY BOARD  
MENTAL HEALTH BOARD  
PIMLICO  
PLANNING COMMISSION  
SANTÉE COOPER COUNTIES PROMOTION COMMISSION  
SPECIAL FIRE TAX DISTRICT ADVISORY COMMISSION  
TAX ASSESSMENT REVIEW BOARD  
ZONING APPEALS BOARD

**CORRESPONDENCE**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**ANNOUNCEMENTS**

**THE FEBRUARY 2011, REGULAR MEETING OF BERKELEY COUNTY COUNCIL, WILL BE HELD ON MONDAY FEBRUARY 28, 2011, IMMEDIATELY FOLLOWING PUBLIC HEARINGS AND ANY SCHEDULED COMMITTEE MEETINGS AT 6:00 PM, IN THE ASSEMBLY ROOM OF THE BERKELEY COUNTY ADMINISTRATION BUILDING, 1003 HIGHWAY 52, MONCK'S CORNER, S. C.**

**ADJOURNMENT**

**EXECUTION OF DOCUMENTS BY COUNCIL**

**PUBLIC DISCUSSION**

**COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES AND MAY BE ON ANY MATTER.**



January 19, 2011  
S/Barbara B. Austin, CCC  
Clerk of County Council